

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 6 and 16-25 is respectfully acknowledged.

These claims, however, have not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that their parent claim 5, as amended, also recites allowable subject matter.

THE CLAIMS

Claims 5 and 11 have been amended to be placed in independent form. Claim 5 has also been amended to include the limitation that the straight pattern is formed on all-around the same circumference, and that the shield sections have a same width and the translucent sections have a same width on a same circumference of a circle. In addition, claims 12-15 have been amended to clarify the distinguishing features of the present invention. Still further, claims 26-28 have been added to recite the feature of original claim 2 whereby the rotation disk is

rotatable on a light path. And claims 1-4 and 7-10 have been canceled.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1-3, 5 and 12-15 were rejected under 35 USC 102 as being anticipated by one of USP 6,157,484 ("Nishida"), USP 6,144,489 ("Wilson"), USP 6,426,835 ("Endo et al"), the admitted prior art (of Fig. 3 of Endo et al), and USP 6,320,185 ("Matsuo"). These rejections, however, are respectfully traversed.

In Fig. 22 of Endo et al, different patterns of linear pattern sections 112a and 112b have different line widths. In addition, the rotary disk has the light blocking section and the aperture section, which do not include the straight patterns, with sector shape. With this configuration,, different images can be obtained by different patterns of linear pattern sections 112a and 112b.

According to the present invention as recited in amended claim 5, the shield sections and translucent sections have the same widths, respectively, to reduce uneven brightness.

Accordingly, it is respectfully submitted that the rotary disk used in the confocal microscope of Endo et al differs from the pattern formation member of the present invention as recited in amended claim 5.

In addition, it is respectfully submitted that claim 11 patentably distinguishes over Endo et al for essentially the same reasons as claim 5.

It is respectfully pointed out, moreover, that the invention of Endo et al comprises an aperture section.

Still further, it is respectfully submitted that the feature of claim 15 is not disclosed in any of the cited references.

In summary, it is respectfully submitted that none of the cited references disclose, teach or suggest the claimed patentably distinguishing features of the present invention as recited in amended claims 5 and 11, or any of the claims depending therefrom.


* * * * *

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

Application No. 10/002,102
Response to Office Action

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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